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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,764	08/08/2006	Kazuo Kuroda	8048-1177	4534
<small>465</small> YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314			<small>7590</small> EXAMINER PARDO, THUY N	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 03/20/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/588,764

**Applicant(s)**

KURODA, KAZUO

**Examiner**

Thuy N. Pardo

**Art Unit**

2627

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 8/8/2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant's Preliminary Amendment filed August 08, 2006 has been reviewed. Claims 1-11 are canceled, and claims 12-21 are added. This Office Action is Non-Final.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Aramaki et al. (Hereinafter "Aramaki") US Patent No. 6,298,022.

Referring to claim 12, Aramaki teaches an information recording medium [see the abstract], comprising:

a reproduce-only area in which first record information is recorded not to be unreproducible along with a reproduction operation [the reproduction only area in the management area following the P-TOC, catalog information (U-TOC: user table of contents) to be used for management of programs (tunes and so forth) recorded in the program area is recorded, col. 13, lines 46-63]; and

a number-of-times-of-reproduction limit area in which second record information is recorded to be unreproducible along with a predetermined number of times of reproduction operations [operation of limiting reproduction of that the same track reproduced by a plural number of times within a predetermined time corresponding to a timer time, col. 27, lines 59-65; col. 22, lines 60 to col. 23, lines 5];

the second record information being associated with the first record information, information which indicates association of the second record information and the first record information being recorded in said reproduce-only area [P-TOC, catalog information such as address sector, model code, disk serial number... etc, recorded in the reproduction only area, col. 13, lines 46 to col. 14, lines 61] associated with the audio data which is limited reproduction [col. 27, lines 26 to col. 28, lines 23] by the link information between start address and end address, fig. 9-10; col. 15, lines 56-59].

Referring to claim 13, Aramaki teaches the invention substantially as claimed as specified in claim 12 above. Aramaki further teaches that the second record information includes content information which is reproduced after reproduction of the first record information [col. 3, lines 57-60].

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aramaki et al. (Hereinafter "Aramaki") US Patent No. 6,298,022 in view of Endo US Patent NO. 7,068,570.

Referring to claim 14, Aramaki teaches the invention substantially as claimed as specified in claim 12 above. Aramaki further teaches a reproducing device [recorder/player as recording apparatus, col. 4, lines 66-67] and a controlling device [control means, see ab].

However, Aramaki does not explicitly teach a judging device for detecting whether or not there is the second record information recorded in said number-of-times-of-reproduction limit area and for judging whether or not reproduction of the first record information corresponding to the second record information is completed. Endo teaches a judging device [judging unit, see the abstract; 8 of fig. 1] for detecting whether or not there is the second record information recorded in said number-of-times-of-reproduction limit area and for judging whether or not reproduction of the first record information corresponding to the second record information is completed [for judging if the lead-in region (i.e., the TOC) of the first session corresponding to the reproduction start time of the first program tract, ab; 31-37 of fig. 5; fig. 7; col. 10, lines 45-64].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of invention to add the feature of Endo to Aramaki's system as an essential means to detect unwritten region where the data is written, so that the mount of the gap can be corrected.

Referring to claim 15, Aramaki and Aramaki teach the invention substantially as claimed above. Aramaki further teaches that said judging device controls said reproducing device to displace laser for reproduction in a direction of crossing a record track in said number-of-times-of-reproduction limit area, and detects whether or not there is the second record information, on the basis of a reproduction signal obtained from said reproducing device within a time length in which the laser for reproduction is displaced.

Referring to claim 16, Aramaki and Ando teach the invention substantially as claimed above. Aramaki further teaches that said judging device detects whether or not there is the second record information, on the basis of the number of the record tracks crossed when said reproducing device is displaced [31-37 of fig. 5; fig. 7; col. 10, lines 45-64].

Referring to claim 17, Aramaki and Aramaki teach the invention substantially as claimed above. Aramaki further teaches that said judging device controls said reproducing device to reproduce the second record information in a predetermined order, and detects whether or not there is the second record information, on the basis of a reproduction signal obtained from said reproducing device [reproduction signal, col. 1, lines 37-45].

Referring to claim 18, Aramaki and Aramaki teach the invention substantially as claimed above, with the exception that the predetermined order is descending order from a large address to a small address. However, this feature is well-known in the art and well-applied in many exclusive operations such as in hierarchical information retrieval systems. Therefore, it would have been obvious to one of ordinary skill in the art to apply this feature to the system to it is possible to detect whether or not there is the second record information, more accurately and quickly.

Referring to claim 19, Aramaki and Aramaki teach the invention substantially as claimed above. Aramaki further teaches that said judging device detects whether or not there is the

second record information, in order of logically reproducing the first record information, if judging whether or not the reproduction of the first record information is completed [31-37 of fig. 5; fig. 7; col. 10, lines 45-64].

Referring to claim 20, Aramaki and Aramaki teach the invention substantially as claimed above. Aramaki further teaches a controlling process of controlling said reproducing device to reproduce the second record information corresponding to the first record information after reproduction of the first record information [col. 2, lines 46-61]; and a judging process of detecting whether or not there is the second record information recorded in said number-of-times-of-reproduction limit area and of judging whether or not the reproduction of the first record information corresponding to the second record information is completed [ab; 31-37 of fig. 5; fig. 7; col. 10, lines 45-64].

Referring to claim 21, Aramaki and Aramaki teach the invention substantially as claimed above. Aramaki further teaches that said information recording medium comprises a plurality of number-of-times-of-reproduction limit areas, and each of a plurality of said reproduce-only area is disposed between the plurality of number-of-times-of-reproduction limit areas [information of the timer ID corresponding to ISRC are cleared and deleted from the ISRC management table, col. 22, lines 26-31].

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy N. Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thuy N. Pardo/  
Primary Examiner, Art Unit 2627